

REMARKS

I. General

Claims 1-37 are presently pending in the application. Claims 4 and 16 have been allowed. The issues in the current Office Action are as follows:

- Claims 1, 4, 13, 25, 28 and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.
- Claims 1 – 3, 5 – 9, 11 – 15, 17 – 21, 23 – 27, 29 – 33 and 35 – 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0123983 to Riley et al. (hereinafter “Riley”) in view of U.S. Patent Publication No. 2003/0074270 to Brown et al. (hereinafter “Brown”).
- Claims 10, 22 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riley and Brown as applied to claims 1, 13 and 29 above, and further in view of U.S. Patent No. 6,493,695 to Pickering et al. (hereinafter “Pickering”).

Applicants note with appreciation the allowance of claims 4 and 16 and appreciate the courtesy and professionalism extended by the Examiner thus far. Applicants hereby traverse the rejections and request reconsideration and withdrawal in light of the amendments and remarks contained herein.

II. Claim Amendments

Claims 1, 4, 13, 25 and 28 have been amended to address the 35 U.S.C. § 112 rejection discussed below. Claims 1, 13 and 25 have been amended to recite limitations recited in claims 4 and 16. Claim 37 has been cancelled. The amendments do not introduce new matter.

III. Claim Rejections

A. 35 U.S.C. § 112 Rejection

Claims 1, 4, 13, 25, 28 and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants do not concede that the rejections under 35 U.S.C. § 112 are proper, but have made amendments to address the rejections in order to expedite issuance. Specifically, the Applicants have amended the claims to recite “operable to” instead of “adapted to.” This amendment does not alter the scope of the claims. Applicants believe this addresses the Examiner’s concern regarding the use of “adapted to.” Accordingly, Applicants respectfully request that the Examiner withdraw the rejection, under 35 U.S.C. § 112, of claims 1, 4, 13, 25, 28 and 37.

B. 35 U.S.C. § 103(a) Rejection over Riley in view of Brown

Claims 1 – 3, 5 – 9, 11 – 15, 17 – 21, 23 – 27, 29 – 33 and 35 – 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riley in view of Brown. Without conceding that claims 1 – 3, 5 – 9, 11 – 15, 17 – 21, 23 – 27, 29 – 33 and 35 – 37 are not patentable over Riley in view of Brown, the Applicants have amended claims 1, 13 and 25 to recite subject matter from claims 4 and 16 that the Examiner has indicated is allowable. Claim 28 also has subject matter the Examiner has indicated is allowable. Claim 37 has been cancelled. Claims 2 – 3, 5 – 9, 17 – 21, 23 – 27, 29 – 33, 35 and 36 each depend from one of independent claims 1, 13, 25 or 28 and inherit all the allowable subject matter from the independent claims. Therefore, claims 1 – 3, 5 – 9, 11 – 15, 17 – 21, 23 – 27, 29 – 33, 35 and 36 are allowable over Riley in view of Brown. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection, under 35 U.S.C. § 103(a), of claims 1 – 3, 5 – 9, 11 – 15, 17 – 21, 23 – 27, 29 – 33, 35 and 36.

C. 35 U.S.C. § 103(a) Rejection over Riley and Brown, and further in view of Pickering

Claims 10, 22 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riley and Brown as applied to claims 1, 13 and 29 above, and further in view of

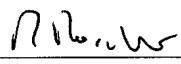
Pickering. Claims 10, 22 and 34 depend from claims 1, 13 and 25 respectively and inherit the limitations of their respective base claims. As discussed above, amended claims 1, 13 and 25 are patentable. At least for this reason claims 10, 22 and 34 are patentable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection, under 35 U.S.C. § 103(a), of claim claims 10, 22 and 34.

IV. Conclusion

In view of the above, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. Please charge any fees required or credit any overpayment to Deposit Account No. 06-2380, under Order No. 47524/P152CP1/10613139 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

By 

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